

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

BRUCE WAYNE HUEY,

Plaintiff,

v.

**TED PHILBIN, CECILIA LINDER, and
WAYNE RIZER,**

Defendants.

Civil Action No. 7:12-CV-97 (HL)

ORDER

Before the Court are Plaintiff's Motion to Alter or Amend Judgment (Doc. 73) and his Objections to the Court's Order and Judgment (Doc. 74), listed in CM/ECF as "Motion for Reconsideration." The Court has read and considered Plaintiff's filings as well as Defendant's Response in Opposition to Plaintiff's Motion to Alter or Amend Judgment (Doc. 78). The Court has also considered Plaintiff's Response to Defendant's Opposition (Doc. 79). For the reasons stated below, Plaintiff's motions are denied.

The Court will first address Plaintiff's Motion to Alter or Amend Judgment. "The only grounds for granting a Rule 59 motion are newly-discovered evidence or manifest errors of law or fact." Arthur v. King, 500 F.3d 1335, 1343 (11 Cir. 2007) (internal quotation and citation omitted). Plaintiff's motion does not point to any new evidence or manifest errors, and the Court is not otherwise aware of

any, so Federal Rule of Civil Procedure 59 requires that Plaintiff's motion be denied.

Turning next to Plaintiff's Objections to the Court's Order and Judgment, this motion must also be denied. In light of Plaintiff's status as a *pro se* party, the Court will construe Plaintiff's filing as a motion for reconsideration. See Haines v. Kerner, 404 U.S. 519, 520 (1972). Plaintiff's chief grounds for the Court to reconsider its ruling (Doc. 70) adopting the Magistrate Judge's recommendation is that he never gave his consent for the Court's referral to the Magistrate Judge. However, 28 U.S.C. § 636(b)(1)(B) authorizes a district court to refer to a magistrate judge a § 1983 claim brought by a prisoner, such as Plaintiff's claim, even without the parties' consent. McCarthy v. Bronson, 500 U.S. 136, 138-39, 111 S.Ct. 1737, 114 L.Ed.2d 194 (1991). Thus, Plaintiff's motion for reconsideration is without merit and due to be dismissed.

SO ORDERED, this the 10th day of September, 2013.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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